

UNITED STATES OF AMERICA : **CASE NO. 1:CR-03-004**
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:
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v. :
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:
JAMES O'NEAL-SLOAN :

On July 29, 2010, Defendant filed a motion to dismiss the criminal charges against him on the basis that the United States Government had no jurisdiction to bring the criminal charges. By memorandum and order dated August 2, 2010, this court advised Defendant that the captioned matter was closed and accordingly dismissed his motion to dismiss the criminal charges filed against him. On August 9, 2010, Defendant filed a document entitled “Counterclaim/Counteraffidavit and Demand For Hearing on the Findings of Facts and Jurisdictional Claims and Supporting Affidavits Pursuant to F.R.CV.P.; Title V.; In Response to Court’s Order Dated August 02, 2010” (doc. 121) which in part appears to be a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6) and 41(a). Defendant was previously advised that Federal Rule of Criminal Procedure 12(b)(3)(B) controlled his case. He was further advised that his case was no longer pending and he could not now raise a jurisdictional issue.

In the same filing, Defendant insists on having a hearing on this issue. A hearing will not be granted. An appropriate order will be issued.

Dated: August 11, 2010.

